

REMARKS/ARGUMENTS

In view of the above amendments and remarks, Applicants respectfully request reconsideration and allowance of the claims now in the case.

This is Applicants' response to the Office Action dated August 24, 2004 in which claims 1-8 and 10-19 were rejected.

Claims 1-8 and 10-19 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

With regard to claim 1, the Examiner has raised concerns regarding the terms "a catalytic coating" in line 7 and "a catalyst coating" in lines 11-12 and "the coated plate(s)" in line 9. Applicant has amended claim 1 to refer to at least one of the plates "having a catalyst coating thereon" and the structural elements being "coated with a catalyst coating". Applicants believe the amendment overcomes the rejection of claim 1.

Regarding claim 10, the Examiner has raised concerns regarding the language "the air openings are provided at a location including at least one of in the spacers and between the spacers," in lines 3-4 and has questioned whether Applicants are reciting a Markush Group. Applicants have amended claim 1 to call for "wherein the openings are provided at a location including at least one of: in the spacers; and between the spacers". Applicants believe the amendment overcomes the rejection of claim 10.

Regarding claim 14, the Examiner has raised concerns regarding the recitation "a plurality of structural elements comprising a thin shaped structure, a bar shaped structure, and a U-shaped structure" and has asked whether Applicants are attempting to recite a Markush Group.

Applicant has amended claim 14 to recite "wherein a plurality of the structural elements comprises at least one of: a thin shaped structure, a bar shaped structure, and a U-shaped structure". Applicants believe the amendment overcomes the rejection of claim 14.

Regarding claim 15, the Examiner has raised concerns regarding the recitation "the reactor" as lacking positive antecedent basis. Applicant has amended claim 14 to call for "the reaction gap". Applicants believe the amendment overcomes the rejection of claim 15.

Claims 1, 2 and 11-19 were rejected under 35 USC 102(b) as being anticipated by Furuya, et al. (JP 06-111838). The Examiner's attention is respectfully directed to paragraph 0029 of Furuya which discloses "the catalyst support 12 is a porous body". Applicant has amended claim 1 to recite "at least two metal plates arranged parallel to each other" and "at least one of the plates having a catalyst coating thereon". Applicants believe the amendment renders the rejection under 35 USC 102 moot.

Claims 1-3, 5-8 and 10-19 have been rejected under 35 USC 102(b) as being anticipated by Tawara, et al. (JP 05-155602). As noted by the Examiner, Tawara, et al. teaches at least two plates arranged essentially parallel to each other with salients extending there between, and wherein a catalyst 101 covers a portion of the salients. Tawara, et al. fail to teach coating the plates with a catalyst. Applicants' claim 1 has been amended to recite "at least two metal plates arranged essentially parallel to each other" and "at least one of the plates having a catalyst coating thereon". Applicants' amendment at claim 1 renders the rejection under 35 USC 102 moot.

Claim 4 had been rejected under 35 USC 103(a) as being unpatentable over Tawara, et al. (JP 05-155602) in view of Patel, et al. (U.S. patent number 4,567,117). As stated earlier, Tawara teaches the use of two plates arranged essentially parallel to each other with

salients extending there between and wherein a catalyst 101 covers a portion of the salients. The salients support the adjacent plate. Applicants' claim 1 calls for "structural elements being coated with a catalyst coating and the structural elements extending into the reaction gap and wherein the height of each of the structural elements is less than the reaction gap". Nothing in Tawara, et al. or the Patel, et al. reference suggest that the salients should be modified to have a height less than the reaction gap and the rejection fails to articulate sufficient motivation for such a modification of Tawara, et al. Pata, et al. teaches using a porous catalyst support layer 11 of ceramic or refractory material and wherein an active catalyst material 12 is impregnated into the support layer 11. (See column 5 lines 13-31). Patel, et al. does not suggest "at least two metal plates arranged essentially parallel to each other" and "at least one of the plates having a catalyst coating thereon" and "structural elements being coated with a catalyst coating and the structural elements extending into the reaction gap and wherein the height of each of the structural elements is less than the reaction gap" as recited in Applicants' claim 1. Applicants' claim 1 and claim 4 would not have been obvious to a person of ordinary skill in the art under 35 USC Section 103 over Tawara, et al. in view of Patel, et al.

Applicants have attached a Petition for a two-month extension of time sufficient to file this amendment.

Respectfully submitted,



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